

026 - DISTRICT ATTORNEY

Operational Summary

Mission:

To enhance public safety & welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner.

Strategic Goals:

- Protect the public from criminal activity.
- Create a sense of security in the community.

Key Outcome Indicators:

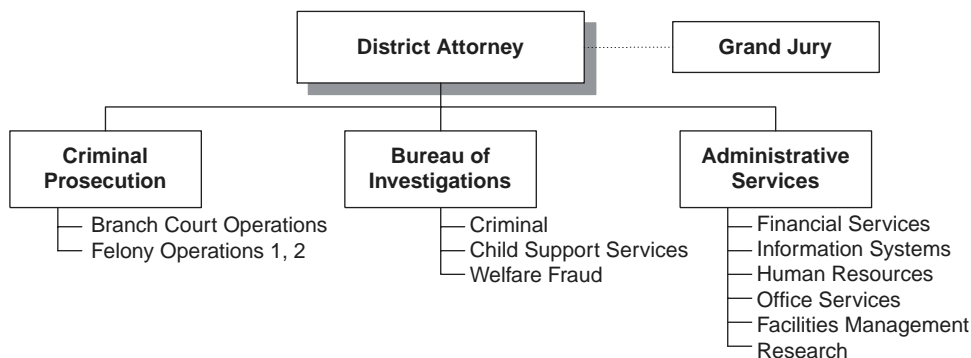
Performance Measure	2003 Business Plan Results	2004 Business Plan Target	How are we doing?
CONVICTION RATE What: Percentage of filed felony and misdemeanor cases resulting in conviction Why: Measures the Office's ability to effectively represent the People of the State of California.	Conviction rate exceeded 90%	To meet or exceed 90% conviction rate	The Office has maintained an excellent conviction rate. Results were 90.7% in FY2001-02 and 91.5% in FY2002-03. However, these conviction rates will decline if funding is further reduced below current reduced level of service.
PUBLIC SURVEY ON FEELINGS OF SAFETY AND SECURITY What: An annual survey measuring public perception of safety and security. Why: Indicates achievement of the Office's goal of creating a sense of security in the community	On a 10-point scale with "1" representing a feeling of "extremely unsafe" and "10" representing a feeling of "complete safety," the most common response was 9 and the mean was 7.93. These numbers are similar to numbers reported in 2000 and 2001.	To meet or exceed a rating of 8 on a 1 to 10 point scale	Survey responses indicated Orange County residents feel safe, yet, slightly less so than in prior years. If sufficient funding is not maintained, caseloads will continue to reach unmanageable levels, compromising our ability to adequately prosecute criminals and thereby, jeopardize public safety.

FY 2003-2004 Key Project Accomplishments:

- In spite of budget reductions, continued to operate one of the most efficient district attorney offices. Managed considerably higher caseloads, spent less per case filed, and per capita than comparable, like-sized county.
- The Homicide Unit tried 125 defendants and returned convictions on all but one.
- Successfully convinced the California Supreme Court that the penalty enhancing provision of the criminal street gang statute (P.C. 186.22(d)) applies to all crimes, including misdemeanors. This benchmark provides all California law enforcement a valuable tool in curtailing gang crime.
- Implemented the District Attorney Case Management System, which serves as the hub for the County of Orange's Integrated Law & Justice system.

- Implemented grant-funded Due Diligence program to solve open homicide and sexual assault cases and bring perpetrators to justice.
- Produced and provided police officers responding to crime scenes with a training booklet entitled "The Officer's Quick Field Reference Guide for Domestic Violence and Stalking."
- Continued collaboration with Probation and Sheriff on the grant-funded SMART (School Mobile Resource Team) program targeted at preventing and addressing school violence and Truancy Response program.
- Obtained renewal of funding for four vertical prosecution programs combating Statutory Rapes, Child Abuse, Major Narcotics, and Career Criminals.
- Used grant funds to create and distribute bilingual resource materials in Spanish, English, and Vietnamese providing information on Home Invasion Robbery and Consumer Fraud, Crime Prevention, and Identity Theft. Materials were produced in print form and some topics were provided in video format as public service announcements.
- Expanded the Office web site to increase availability and accessibility of information to the public and media by listing status of high-profile cases, providing explanations of the workings of the criminal justice system, outlining the responsibilities of witnesses, and providing resources for victims.
- Two Employee Recognition Programs were coordinated by the Labor Management Committee to recognize stellar individual achievement and teamwork initiatives benefiting the Office and/or County.

Organizational Summary



ADMINISTRATIVE SERVICES - This Division provides a myriad of support services including accounting, budgeting, human resources services, information systems, office support services, facilities management, research, purchasing, and compliance review/audit.

BUREAU OF INVESTIGATIONS - The Bureau consists of law enforcement personnel who provide investigative and other related technical services for the agency's prosecutors. Investigators provide trial support by conducting complex criminal investigations as well as interviewing and subpoenaing witnesses.

Investigators also assist other County law enforcement agencies with complex investigations, cases involving multiple jurisdictions, and investigation of officer-involved shootings throughout the County.

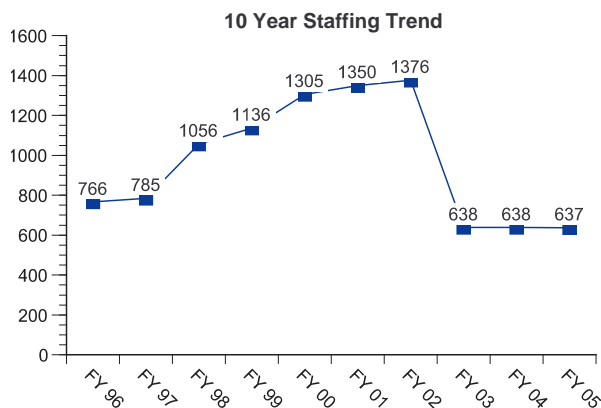
CRIMINAL PROSECUTION - The Criminal Prosecution Division prosecutes of felony and misdemeanor crimes.

Felony Operations 1: Prosecutes the majority of violent felony crimes. Units in this area include: Homicide, Sexual Assault, Family Protection, Gangs, TARGET, and Felony Panel (prosecutes a variety of felony crimes not handled by specialized felony units).

Felony Operations 2: Contains vertical and non-vertical prosecution units. The units include: Economic Crimes (auto theft, auto insurance fraud, workers' compensation insurance fraud, high tech crime, identity theft, and high-dollar fraud crimes); Consumer and Environmental Protection Unit (prosecutes improper usage or dumping of hazardous materials and companies and individuals that engage in fraudulent business practices); Narcotic Enforcement Team (prosecutes major narcotic traffickers and illegal drug manufacturers); Career Criminal (prosecutes dangerous repeat offenders); Welfare Fraud Criminal Prosecution Unit; Law and Motions Unit (researches and presents writs and appeals and other court motions); and the Felony Projects/Special Assignment Unit (prosecutes a variety of specialized felonies (arson, hate crimes, political corruptions, and cases dealing with Mentally Disordered Offenders) and investigates Officer Involved Shootings).

Branch Court Operations: Prosecutes adult misdemeanor crimes in each of the five Justice Centers and handles felony and misdemeanor petitions in the Juvenile Unit. In addition, each of the five Justice Centers includes a Felony Charging Unit designed to make the filing of felony cases more efficient and consistent. Between new filings and the completion of existing cases, the Division handles approximately 53,000 misdemeanor cases annually, approximately 15,000 of the Office's felony filings, and the vast majority of the 12,000 juvenile petitions presented to the Office each year.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- During FY 2002-03, the Office deleted six positions funded by the Regional Gang Enforcement Team (RGET) federal grant program, which expired on December 31, 2002.

- In FY 2003-04, the Board of Supervisors approved the Office's augmentation request converting six long-term extra-help positions to regular status to comply with Memorandum of Understanding requirements.
- A deletion of one position for the AB 1913 Truancy Program was included in the First Quarter Budget Report submitted to the Board on November 25, 2003.
- Each year since FY 2001-02, the Board of Supervisors has approved funding for five Attorney III positions to provide prosecution support to implement Proposition 36, Substance Abuse Crime Prevention Act approved by voters in November 2000.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Office is directly involved in four of the 2004 County Strategic Priorities that require funding: District Attorney High Tech Crime Unit (Strategic Priority #8); Identity Theft (Strategic Priority #13); Proposition 36 Underfunding (Strategic Priority #19); and Soil and Groundwater Contamination Prosecution (Strategic Priority #24). As funding allows, the Office will endeavor to support these priorities.

The Office of the District Attorney's core business is public safety and security. In spite of increased case filings and rising staffing costs, the Office reduced the FY2003-04 Budget to below the FY2002-03 actual expense level. As a result, in FY2003-04, the Office imposed a freeze on 5.2% or 12 prosecutor positions and 14% or 14 investigator positions. The balance between budget management and adequate prosecution is a delicate one. The Office is approaching a breaking point where the cumulative impact of reduced staffing levels may begin to impact the ability to adequately prosecute and investigate crimes. Nevertheless, the Office is mandated to prosecute crime. If the Office's ability to effectively prosecute crimes is compromised, either by having an unmanageably high number of cases or influx of more complex cases, the Office will be forced to unfreeze positions and, if required, request additional funding from the Board of Supervisors.

Changes Included in the Recommended Base Budget:

The CEO's recommended base budget for FY2004-05 includes a county general fund reduction of \$1,345,799 over the already reduced level of service funded in the FY2003-04 budget. Furthermore, to mitigate County General Fund demand, the Office continues to operate in a reduction mode and plans to transfer a total of \$4.1 million from Fund 14B to offset FY2004-05 general fund requirements.

For FY 2004-05, the Office is submitting three augmentation requests. The first augmentation transfers \$1,207,931 from Fund 14B to maintain a reduced level of service to provide mandated prosecution. Even at this level, prosecutors, investigators, and support staff will have higher caseloads resulting in less time spent preparing cases for trial. This augmentation restores reductions that were made to develop

a base budget at the Net County Cost limit as required by the CEO. Without restoration, the mandated minimum level of service cannot be provided. This reduction will impact core criminal prosecution functions and critical victim/witness contract services.

The second augmentation is requesting additional funds of \$199,963 from County General Fund to support the Proposition 36 program at the FY2003-04 level. The Office requests a total appropriation of \$652,440 to fund five (5) Attorney positions to participate in all judicial processes. A deputy district attorney is present at each court proceeding, e.g., arraignment, preliminary hearing, pre-trial conference, pre-trial motions and trial, as well as at violation hearing, and court monitoring. The Proposition 36 Trust Fund Committee recommended an allocation of \$452,477 from the SACPA Trust Fund, which is insufficient to fund five (5) attorneys to provide the mandated minimum level of service. Failure to fund will severely reduce the Office's participation in the program and drastically diminish the representation of the People of the State of California in these cases. The actual program costs exceed this requested allocation.

Requested Budget Augmentations and Related Performance Results:

Unit/Amount	Description	Performance Plan	Ref. Num.
Restore Reduced Level of Service (FY 04-05) Amount: \$ 1,207,931	This request restores reductions that were made to develop a base budget at Net County Cost limit.	Without restoration of the funding fewer cases will be filed and conviction rate will decline.	026-717
Proposition 36 Backfill (FY 04-05) Amount: \$ 652,440	To support the shortfall in funding from the Proposition 36 Trust Fund for Penal Code 1210 matters.	To comply with the statute, determining those who are eligible to receive the program.	026-721

Proposed Budget and History:

Sources and Uses	FY 2002-2003 Actual	FY 2003-2004 Budget As of 3/31/04	FY 2003-2004 Projected ⁽¹⁾ At 6/30/04	FY 2004-2005 Recommended	Change from FY 2003-2004 Projected	
					Amount	Percent
Total Positions	-	636	636	637	1	0.16
Total Revenues	58,934,499	56,130,193	52,337,155	57,069,461	4,732,306	9.04
Total Requirements	76,946,953	79,278,896	75,980,979	79,058,165	3,077,186	4.05
Net County Cost	18,012,454	23,148,703	23,643,824	21,988,704	(1,655,120)	-7.00

(1) Requirements include prior year encumbrances and expenditures. Therefore, the above totals may not match FY 2003-2004 projected requirements included in "At a Glance" (Which exclude these).

Detailed budget by expense category and by activity is presented for agency: District Attorney in the Appendix on page 454.

Highlights of Key Trends:

- Caseloads are increasing to intolerable levels. Over the last two years, felony filings, which are the more complex, serious, and violent crimes, have increased 6%

and an additional 4% respectively. This trend is particularly troublesome since it is coupled with a budget dictated temporary freeze of key prosecutor and investigator positions. The Office requires sufficient resources to adequately prosecute crime.

Budget Units Under Agency Control

No.	Agency Name	Administrative Services	Bureau Of Investigations	Criminal Prosecution	Total
026	District Attorney	17,063,717	23,136,871	38,857,577	79,058,165
116	Narcotic Forfeiture And Seizure	0	0	909,574	909,574
122	Motor Vehicle Theft Task Force	0	0	2,872,053	2,872,053
14H	DA's Supplemental Law Enforcement Service	0	0	875,913	875,913
	Total	17,063,717	23,136,871	45,515,117	83,715,705

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Summary of Proposed Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2002-2003 Actual	FY 2003-2004 Budget As of 3/31/04	FY 2003-2004 Projected ⁽¹⁾ At 6/30/04	FY 2004-2005 Recommended	Change from FY 2003-2004 Projected	
					Amount	Percent
Fines, Forfeitures & Penalties	\$ 6,409,220	\$ 483,010	\$ 668,160	\$ 528,160	\$ (140,000)	-20.95%
Intergovernmental Revenues	50,655,361	48,566,762	50,006,667	50,360,701	354,034	0.71
Charges For Services	448,372	906,972	502,141	441,971	(60,170)	-11.98
Miscellaneous Revenues	217,816	10,000	73,187	10,000	(63,187)	-86.34
Other Financing Sources	1,203,730	6,163,449	1,087,000	5,728,629	4,641,629	427.01
Total Revenues	58,934,499	56,130,193	52,337,155	57,069,461	4,732,306	9.04
Salaries & Benefits	61,375,754	67,992,534	67,140,670	68,918,811	1,778,141	2.65
Services & Supplies	8,617,150	13,683,771	11,017,659	12,077,267	1,059,608	9.62
Other Charges	1,093,367	1,179,092	1,178,692	1,372,887	194,195	16.48
Fixed Assets	361,053	344,847	169,804	358,417	188,613	111.08
Other Financing Uses	9,589,049	0	26,991	0	(26,991)	-100.00
Intrafund Transfers	(4,089,419)	(3,921,348)	(3,552,837)	(3,669,217)	(116,380)	3.28
Total Requirements	76,946,953	79,278,896	75,980,979	79,058,165	3,077,186	4.05
Net County Cost	\$ 18,012,454	\$ 23,148,703	\$ 23,643,824	\$ 21,988,704	\$ (1,655,120)	-7.00%

(1) Requirements include prior year encumbrances and expenditures. Therefore, the above totals may not match FY 2003-2004 projected requirements included in "At a Glance" (Which exclude these).

Proposed Budget Summary of Administrative Services:

Revenues/Appropriations	FY 2002-2003 Actual	FY 2003-2004 Budget As of 3/31/04	FY 2003-2004 Projected ⁽¹⁾ At 6/30/04	FY 2004-2005 Recommended	Change from FY 2003-2004 Projected	
					Amount	Percent
Intergovernmental Revenues	\$ 15,811,806	\$ 15,653,750	\$ 14,578,000	\$ 15,188,000	\$ 610,000	4.18%
Charges For Services	59,682	78,034	78,034	78,034	0	0.00
Miscellaneous Revenues	47,128	10,000	16,044	10,000	(6,044)	-37.67
Other Financing Sources	52,421	60,000	76,000	76,000	0	0.00
Total Revenues	15,971,037	15,801,784	14,748,078	15,352,034	603,956	4.10
Salaries & Benefits	9,411,832	10,317,726	10,490,000	10,564,930	74,930	0.71
Services & Supplies	4,750,287	5,793,468	5,701,994	5,952,617	250,623	4.40
Other Charges	1,093,367	1,179,092	1,178,692	1,372,887	194,195	16.48
Fixed Assets	317,549	169,000	169,804	182,570	12,766	7.52
Other Financing Uses	9,589,049	0	0	0	0	0.00
Intrafund Transfers	(677,590)	0	(793,000)	(1,009,287)	(216,287)	27.27
Total Requirements	24,484,494	17,459,286	16,747,490	17,063,717	316,227	1.89
Net County Cost	\$ 8,513,456	\$ 1,657,502	\$ 1,999,412	\$ 1,711,683	\$ (287,729)	-14.39%

Proposed Budget Summary of Bureau Of Investigations:

Revenues/Appropriations	FY 2002-2003		FY 2003-2004		FY 2003-2004		Change from FY 2003-2004				
	Actual		Budget As of 3/31/04		Projected ⁽¹⁾ At 6/30/04		Projected Amount Percent				
Intergovernmental Revenues	\$	17,764,299	\$	17,509,013	\$	16,700,751	\$	19,295,000	\$	2,594,249	15.53%
Charges For Services		224,233		208,938		229,937		208,937		(21,000)	-9.13
Miscellaneous Revenues		166,972		0		57,143		0		(57,143)	-100.00
Total Revenues		18,155,505		17,717,951		16,987,831		19,503,937		2,516,106	14.81
Salaries & Benefits		18,982,788		21,819,937		20,998,000		22,893,117		1,895,117	9.03
Services & Supplies		1,061,002		3,114,098		1,789,690		1,989,450		199,760	11.16
Fixed Assets		31,226		155,928		0		155,928		155,928	0.00
Intrafund Transfers		(2,172,839)		(3,220,906)		(1,874,250)		(1,901,624)		(27,374)	1.46
Total Requirements		17,902,177		21,869,057		20,913,440		23,136,871		2,223,431	10.63
Net County Cost	\$	(253,328)	\$	4,151,106	\$	3,925,609	\$	3,632,934	\$	(292,675)	-7.46%

Proposed Budget Summary of Family Support:

Revenues/Appropriations	FY 2002-2003		FY 2003-2004		FY 2003-2004		FY 2004-2005		Change from FY 2003-2004		
	Actual		Budget As of 3/31/04		Projected ⁽¹⁾ At 6/30/04		Recommended		Projected Amount Percent		
Intergovernmental Revenues	\$	174,294	\$	0	\$	0	\$	0	\$	0	0.00%
Total Revenues		174,294		0		0		0		0	0.00
Services & Supplies		4,510		0		0		0		0	-100.00
Total Requirements		4,510		0		0		0		0	-100.00
Net County Cost	\$	(169,784)	\$	0	\$	0	\$	0	\$	0	-100.00%

Proposed Budget Summary of Criminal Prosecution:

Revenues/Appropriations	FY 2002-2003	FY 2003-2004	FY 2003-2004	FY 2004-2005	Change from FY 2003-2004	
	Actual	Budget As of 3/31/04	Projected ⁽¹⁾ At 6/30/04		Projected	
				Recommended	Amount	Percent
Fines, Forfeitures & Penalties	\$ 6,409,220	\$ 483,010	\$ 668,160	\$ 528,160	\$ (140,000)	-20.95%
Intergovernmental Revenues	16,904,962	15,403,999	18,727,916	15,877,701	(2,850,215)	-15.22
Charges For Services	164,456	620,000	194,170	155,000	(39,170)	-20.17
Miscellaneous Revenues	3,716	0	0	0	0	0.00
Other Financing Sources	1,151,309	6,103,449	1,011,000	5,652,629	4,641,629	459.11
Total Revenues	24,633,663	22,610,458	20,601,246	22,213,490	1,612,244	7.83
Salaries & Benefits	32,981,133	35,854,871	35,652,670	35,460,764	(191,906)	-0.54
Services & Supplies	2,801,351	4,776,205	3,525,974	4,135,200	609,226	17.28
Fixed Assets	12,278	19,919	0	19,919	19,919	0.00
Other Financing Uses	0	0	26,991	0	(26,991)	-100.00
Intrafund Transfers	(1,238,990)	(700,442)	(885,587)	(758,306)	127,281	-14.37
Total Requirements	34,555,773	39,950,553	38,320,048	38,857,577	537,529	1.40
Net County Cost	\$ 9,922,110	\$ 17,340,095	\$ 17,718,802	\$ 16,644,087	\$ (1,074,715)	-6.07%